## Vol. XXVIII.....No. 8,436.

## THE IMPEACHMENT TRIAL.

THE SENATE CHAMBER AND GALLERIES FILLED MR. STANBERRY ABSENT—MESSRS. STEVENS, WILLIAMS, GROESBECK, CURTIS, AND GEN. LOGAN WILL PRINT THEIR SPEECHES—MANAGER BOUTWELL'S ARGUMENT, VERBATIM AND ENTIRE.

The Impeachment Court met at 11 o'clock to-day, in pursuance of its resolution of adjournment on Sat-The morning was beautifully bright and ny, and as a consequence the fairer half of Rotunda of the Capitol, and the corridors leading to the potential interposition either of took his seat precisely at 11. Then came the formal proclamation of silence, and the heralding of the Managers and of the Honse of Representatives. within the last fortnight. The Diplomatic gallery, however, was utterly vacant, and during the day the only persons in it were eight of the wives and daughters and a number of the Mr. Evarts sat in that gentleman's chair, at the head of the table, indicating the fact that, as there is not much probability that Mr. Stanbery will be able again to attend the trial, the management of the de Zense has devolved on Mr. Evarts. At ten minutes after 11 the question before

the Court on Saturday was announced-being of the Managers and counsel for the President as have not yet spoken to file their written This question, which has been from time before the Senate and the Court from the beginning of the trial, and on which more time has a consumed than its actual importance has warconsummation was not reached effort. The order was amended, voted down, brought up again in another shape, then again such of the Managers and Counsel for the President goes on the record: and among the others who will write their speeche sare Mr. Stevens and Mr. Williams, and on the President's side Mr. Curtis and possibly

tence, which merely congratulated the Senate in legal aspect. When the Senate adjourned at a few minutes after four, Manager Boutwell had delivered meak about two hours and a half to-morrow.

Mr. Bingham was the only one of the Managers who was busy, and he was engaged in taking occasional notes. Messrs. Evarts, Nelson, and Groesbeck were nearly all the time similarly employed. Gen. Butler, whose occupation on the trial is gone except as an adviser, was restless and fidgetty, and kept turning in all possible directions. He evidently wished the disabled Stanbery and the sharp legal contest back again.

## THE FULL REPORT.

The Court was opened with the usual formalities at 11 o'clock. The CHIEF-JUSTICE stated the first business in order to be the consideration of the following order,

offered by Senator SUMNER:
Ordered that the Managers on the part of the House
of Representatives, and the counsel for the President,
have leave to file written or printed arguments before
the oral argument commences.
Senator VICKERS offered an amendment proposing to

allow such of the Managers as are not authorized to speak, to file written or printed arguments, or make oral addresses, the counsel of the President to alternate with

Mr. CURTIS-Mr. Chief-Justice: It may have some bearing upon the decision of the proposition if I state that I am authorized to state that Mr. Stanbery's indis-

The amer	idment was agre	ed to, as folio	W81	
Bockslew, Cragos, Davis, Doclittle, Eduancies, Pensenden,	Frelinghujsen, Grimes, Hendricks, Johnson, McCreery, Morrill (Me.),	Norton, Patterson (N. H. Patterson (Tenu Saulebury, Sprague, Tipton,	Trumbull,	
Fonlet.	Morton.	angerton,		
anniet,		TATE.		
Cameron, Cattell,	Drake, Verry,	Morgan, Morrill (VL)	Sherman, Stewart,	
Chandier,	Henderson,	Pomeroy,	Sumuer,	
Conness,	Howard,	Ramsey,	Thayer, Williams 20,	
The ques	tion recurring or following vote:	the order as	amended, it w	
	The state of the s	EAS.		
Backslew.	Johnson,		Patterson(Tenn.), Van Winkle,	
Oragin,	McCreery.	Bunisbner,	Vickers,	
Duvis,	Marton,	Sumuer,	Willey,	
Doubittle,	Norton,	Tipton.	Wison,	
Fowler.	Patterson (N.H.), Trumbull, Tates-2			
Headricks,				
No. of Concession, Name of Street, or other Persons, Name of Street, or ot	3	IAYN.	and the same of	
Cameron,	Ferry,	Morgan,	Sherman,	
Castel.	Fessenden,	Morrill (Me.),	Sprague,	
Chaniler,	Frelinghuyeen,	Morrill (V1.),	Stenart,	
Convers,	Grimes,	Pemeroy.	Thayer,	
Cornett.	Henderson,	Ramsey,	Van Winkle,	
Drake,	Howard,	Ross,	Williams 26,	
Manuale	Howe			

Mr. STEVENS-Mr. President, I desire to make an inquiry, and that is, whether there is any impropriety in the Managers publishing short arguments! After the motion made here on Saturday, some few of us-I among the rest-commenced to write out a short argument, which I expect to finish by to-night, and which, If the first order had passed, I should have filed. I do not know that there is any impropriety in it, except that it will not go into the proceedings. I do not like to do anything improper, and hence I make the inquiry.

Senator FERRY - Mr. President, I would inquire wise her it would be in order to move the original order, on which we have taken no vote!

CHIEF-JUSTICE-It would not; as the Chief-Justice understands, the matter has been disposed of.

The order which was submitted by Senator Stewart tome days ago, was read \$6 follows:

That one of the Managera, un the part of the House, be permitted to the his printed argument before the adjournment to-day, and that after as oral opening by a Manager, and he verify of one of the President's counsel, another of the President's counsel, and the final reply of a Manager, under the entailing rule.

The CHIEF-JUSTICE said that it could be considered by unanimous consent. No objection was made.

Mr. CONNESS offered the following, as a substitute:

That such of the Managers and Counsel for the President as may shows to do so have leave to file their argument or a relayer.

Mr. SUMNER-That is right. Mr. STEVENS-Mr. President, I desire to make an in

tpril 24.

Mr. SUMNER—That is right.

Mr. BUCKALEW moved to lay the order and amendment on the table; but the motion was rejected without a

division.
Senator Conness's amendment was rejected as follows:

	NO DESCRIPTION OF THE PERSON OF	MAR	
Cameron,	Cragin,	Patterson (N. H)	Thayer,
Cattell,	Drake,	Pomeroy,	Tiptou,
Chandler,	Ferry.	Rament,	Willey,
Conking.	Henderson,	Sherman,	Williams,
Couness,	Howard,	Stewart,	Wilson,
Corbett,	Morrill (Vt.),	Sumuer,	Yates-24
	,	CATS.	Laborator Co.
Anthony,	Fessepten,	Johnson,	Eoss,
Barant,	Fowler,	McCreery,	Saulabury,
Buckelew,	Freilinghursen,	Morgan,	Sprague,
Davis.	Grimes,	Morton,	Tramball.
Dixon,	Hendricks,	Norteu.	Van Winkle.
Boolittle,	Howe,	Patterson (Tenn.) Vickers-25.	

The question recurred on the order offered by Senator

	lows:		Chall and the same	
	Anthony, Buckalew, Conkling, Cragin, Davis, Doolittle, Edwords, Perry,	Pessenden, Fowler, Grinen, Henderson, Hendricks, Johnson, McCreevy,	Morrill (Me.), Morton, Fatterson (N. H. Patterson (Tenn Famery, Saulabury, Sherman,	Sprague, Tipton, .), Trumbull, .), Willer, Van Winkle, Vickers, Yates-29.
1		District of the last of the la	EATS.	
The state of the s	Cameron, Cattell, Chandler, Conness, Corbett,	Divos, Drake Fredinghuysen, Harlan, Howard.	Howe, Morgan, Morrill (Vt.), Morton, Pomeroy,	Rose, Stewart, Fumner, Thayer, Williams—20

ter of the removal of Mr. Stanton by an assertion of "the power at any and all time of removing from office all ex-centive officers for cause to be judged of by the President

This claim manifestly extends to the officers of the army

This claim manifestly extends to the officers of the army and of the navy, of the civil and the diplomatic service. In this claim he assumes and demands for himself and for all his successors absolute control over the vast and yearly increasing patronage of this Government. This claim has never been before asserted, and surely it has never been sanctioned; nor is there a law or usage which furnishes any ground for justification, even the least.

Heretofore the Senate has always been consulted in regard to appointments, and during the sessions of the Senate it has always been consulted in regard to expointments, and during the sessions of the Senate it has always been consulted in repard to removals from office. The claim now made, if sanctioned, strips the Senate of all practical power in the premises, and leaves the patronage of office, the revenues and expenditures of the country in the hands of the President alone. Who does not see that the power of the Senate to act upon and confirm a nomination is a barren power, as a neans of protecting the public interests, if the person so confirmed may be removed from his office at once without the advice and consent of the Senate 1 If this claim shall be conceded the President is clothed with power to remove every person who refuses to become his instrument.

An evil-minded President may remove all leyal

shall be conceded the President is clothed with power to remove every person who refuses to become his instrument.

An evil-minded President may remove all leyal and patriotic officers from the army, the navy, the civil and the diplomatic service, and nominate only his adherents and friends. None but his friends can remain in office; none but his friends can remain in office; none but his friends can be appointed to office. What security remains for the fidelity of the army and the navy! What security for the collection of the public revenues! What accountability remains in any branch of the public service! Every public officer is henceforth a mere dependent upon the Executive. Heretofore the Senate could say to the President you shall not remove a faithful, honest public officer. This power the Senate has possessed and exercised for nearly 50 years, under and by virtue of express authority granted in the Constitution. Is this authority to be surrendered! Is this power of the Senate this prerogative we may almost call it, to be abandoned! Has the country, has the Senate, in the exercise of its legislative, executive, or judicial functions, fully considered these broader and graver issues touching and affecting vitally our institutions and system of government!

The House of Representatives has brought Andrew Johnson, President of the United States, to the bar of this august tribumal, and has here charged him with high crimes and missiemeanors in office. He meets the charge by denying and assailing the ancient, undoubted, constitutional powers of the Senate. This is the grave, national, historical, constitutional issue. When you decide the issues of record, which appear narrow and technical, you decide theses greater issues also.

The Managers on the part of the House of Representatives, as time and their abilities may permit, intend to deal with the criminal and with these, his crimes, and also to examine the constitutional powers of the Fresident and of the Senate. I shall first invite your attention, Senators

dent and of the Senate. I shall first invite your attention, Senators, to the last-mentioned topics.

It is necessary, in this discussion, to consider the character of the government, and especially the distribution of powers and the limitations placed by the Constitution upon the executive, judicial, and legislative departments. The tenth amendment to the Constitution provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This provision is not to be so construed as to defeat the objects for which the Constitution itself was established; and it follows, necessarily, that the three departments of the Government possess sufficient power, collectively, to accomplish those objects.

It will be seen from an examination of the grants of power made to the several departments of the Govern-

accomplish those objects.

It will be seen from an examination of the grants of power made to the several departments of the Government that there is a difference in the phraseology employed, and that the legislative branch alone is intrusted with discretionary authority. The first section of the first article provides that "all-legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Schale and House of Representatives."

The first section of the second article provides that "the executive power shall be vested in a President of the United States of America;" and the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from to time, ordain and establish." The words "herin granted," as used in the first section of the first article of the Constitution, are of themselves words of limitation upon the figulative powers of Congress, confining those powers within the authority expressed in the Constitution. The absence of those words in the provisions relating to the executive and judicial departments do not, as might at first be supposed, justify the intersuce that unlimited authority is conferred upon those departments. An examination of the Constitution, they are caabled to perform the functions delegated to them, while the legislative department, in noticeable contrast, is clothed with authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof."

By virtue of this provision the Constitution devolves upon Congress the duty of providing by legislation for

NEW-YORK, THURSDAY, APRIL 23, 1868-TRIPLE SHEET.

It is made the duty of the President, "from time to fime, to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary that the state of the Union, and recommend to their consideration such measures as he shall judge necessary that the state of the Union and the seathern of laws. Thus it is in his power to he be considered the state of the constitution of the incomposition of the executive powers conferred by the Constitution in the President and under involving a state of the control of the provision already expected, there is no reason in the nature of the government why the constitutional and having powers of the Executive may hot be made adequate to every emergency of the country. In fine, the President may be said to be governed by the principles which and administer in a court of which any inquiry on his part as to the wisdom of the lexisation. So the President, with reference to the measure of his own powers, must take the Constitution and the laws of the country as they are, and be governed strictly by them. If, in any particular, by imput so granted to him by the Constitution or the laws, he violates his oath of office, by which, under the Constitution, it is made his other than the state of the country of the control of the law in the control of the law in the constitution of the law, to condition the resident of the law in the condition of the law in the law in the law in the law in the law

result which he reached on whether the laws were expedient or constitutional, or otherwise, if he did so inquire, and if upon such inquiry he came to the conclusion that, for any reason, he would not execute the law according to the terms of the law, then he willingly violated his oath of office and the Constitution of the United States. The increasary the increasary presumptity violated his oath of office and the Constitution of the United States. It also a cred under the introduced controlling or coloring in any degree this necessary presumption of the law, he cannot plead his motive. Insenue has he can neither plead nor prove his motive, the presumption of the law, he cannot plead his motive, the presumption of the law must remain that in violating his oath of office and the constitution of the United States he was induced by a bad motive. The magnetate who within a constitution of the United States he was induced by a bad motive. The magnetate who within a constitution of the Cultied States he was induced by a bad motive. The magnetate who within a constitution of the cannot be constituted by the constitution of the Cultied States he was induced by a bad motive. The magnetate who within a constitution of the constitution of the cannot be constituted by the constitution of the cannot of the enumes of his constitution of the constitution of t

deneral of the anner, who has this day been authorited and expowers; beet at Secretary of War of starters, all records, beets, peger, and other public property now in your carboty and charge.

"Hos. Envir M. Stanton, Washington, D. C."

This letter is an admission, not only that Mr. Stanton was Secretary of War on the list of February, 1968, but also that the suspension of that officer of the 12th of August, A. D. 1887, whether made under the Tenure-of-Office act or not, was shrogated by the action of the Sonate of the 18th of January, 1868, and that thou Mr. Stanton thereby was restored lawfully to the office of Secretary for the Department of War.

On the 21st of February the Senate was in session. There was then but one constitutional way for the removal of Mr. Stanton a nomination by the Fresident to the Senate of a successor, and his confirmation by that body. The President attempted to remove Mr. Stanton thereof, by lasuing the said order for his removal. In the first of the articles it is set forth that this order was leaded "in violation of the Constitution and of the laws of the United States, we show also that he has violated his oath of office, which pledged him to apport the Constitution, that has violated the Constitution, and upon admitted facts, established beyond a reasonable doubt. This view is sufficient to instity and require at your hands a verdlet of guilty under the first article, and this without any segrence to the legislation of the country, and upon admitted facts, established beyond a reasonable doubt. This view is sufficient to instity and require at your hands a verdlet of guilty under the first article, and this without any segrence to the constitution, and upon admitted facts, established beyond a reasonable doubt. The way is sufficient to the segment to deal with all these question whether the Secretary of War is included within its provisions or not. But I intend in the course of law, and to apply the law as it, this appear to the facts proved or admitted. To be surreying the su

PRICE FOUR CENTS.

positival existence, from betweing a spirit of favorities, or an unbecoming parent to pupularity, to the observation of a body sixes comine would have great we ght it forming that the public, could not fail to operate as a barrier to one and to the other. He would be both a sile and and are the one of the theory of the would be both a sile and and a sile to operate as a barrier to one and to the other. He would be both a sile and the country covering three-forming of the property of the property to the most failing that the constitution of the constitution of the constitution of the constitution, appointed to the sile of the country covering the powers of the President to see an analyze of the president to see an area of the constitution powers of the President to see an area of the constitution appointed to continued by the Scante. An office being filled, he can only act in concurrence with the Scante. An office being filled, he can only have been constitutional powers of the President to issue on a superactor, and the previous occupant is thereby removed.

No legislation has attempted to constitution who has one of this savision of the Constitution of the Constitution powers of the President to see an area of the previous occupant is thereby removed.

No legislation has attempted to constitution who has one of this savision of the Constitution of the constitutio by the President and receive their appointments upon the confirmation of the Senate, and hold their offices under the Constitution by no other title than that which secures to a cabinet officer or to a revenue collector the office to which he has been appointed, there can be no misunderstanding as to the nature, extent, and dangerous character of the claim which the President makes. The statement of this arrogant and dangerous assumption is a smilleint answer to any doubt which might exist in the mind of any patriot as to the true intent and meaning of the Constitution. It cannot be conceived that the men who framed that instrument, who were devoted to liberty, who had themselves suffered by the exercise of filegal and irresponsible power, would have vested in the President of the United States an authority, to be exercised without the restraint or control of any other branch or department of the Government, which would enable him to corrupt the civil, military, or mayal officers of the country by readering them absolutely dependent for their positions and emolmments upon his will. Moreover, this claim was never asserted by any President, or by any public man, from the beginning of the Government until the present time. The instruy of the career of Andrew Johnson shows that he has been driven to the assertion of this claim by circumstances and evenia connected with his crianinal design to break down the power of Congress, to subvert the institutions of the country, and thereby to restore the Union in the interest of those who participated is the Rebellion. Having entered upon this career of crime, he soon found it essential to the accomplishment of his purposes fo scener the support of the luminense retining of public officers of every grade and description in the country. This is could not do without making then entirely dependent upon his will; and in order that they might realize their dependence, and thus be made subservient to his purposes, he determined to assert an authority over them unauthorized by the

poses, he determined to assert an authority over them unauthorized by the Constitution, and therefore not attempted by my Chief Magistrate. His conversation with Mr. Wood, in the Autumn of 1806, fully discloses this purpose.

Figure 18 and 18 and 18 and 18 and 18 and patriotic public officers, to the great detrinest of the public revenues. At fish time of the passage of the ach is was far involved in his mad schemes schemus of ambition and revenues. The consequently determined, by various artifices and plans, to undermine that have and schemes so far involved in his mad schemes schemus of ambition and revenues that it was, in his view, inpossible for him to retrace his steps. He consequently determined, by various artifices and plans, to undermine that have and schemes and plans, to undermine that have and conserved in the evil service, and in the article of the country, and it the may. He thus became gradually involved in an unlawful undertaking, from which he could not retreat. In the presence of the proceedings against him by the House of Representatives is had no alternative but to assert that under the Constitution power was vested in the President exclusively, without the advice and consent of the Schate, to remove This policy, as yet acted upon its part, and developed chiefy in the civil service, has already produced evils which threaten the overthrow of the Government. When he removed faithful public officers, and appointed others whose only chaim to consideration was their unreasoning devotion to his interesting and unheatating obsdience to his wilk, they empleased themselves for this devotion and his obsdience by frants upon the revenues, and by crimes against the laws of the hand. Hence it has happened that in the internal revenues and the president of the contraty to the Constitution of the scheme of the country, the s